

1 Alan P. Jacobus, No. 206954
2 Shay Aaron Gilmore, No. 217196
2 **CARROLL, BURDICK & McDONOUGH LLP**
3 Attorneys at Law
3 44 Montgomery Street, Suite 400
4 San Francisco, CA 94104
4 Telephone: 415.989.5900
5 Facsimile: 415.989.0932
5 Email: ajacobus@cbmlaw.com
sgilmore@cbmlaw.com
6

7 John L. Jacobus (pro hac vice)
7 Leah M. Quadrino (pro hac vice)
8 STEPTOE & JOHNSON LLP
8 1330 Connecticut Avenue, N.W.
9 Washington, D.C. 20036
9 Telephone: 202.429.6276
10 Facsimile: 202.429.3902

10 Attorneys for Defendants
11 Swiss Reinsurance Company Ltd. and Swiss Re Life &
12 Health America Inc.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO

16 CHRISTA P.C. SULLIVAN,

No. C09-02876 SI

17 Plaintiff,

**STIPULATION AND ORDER FOR
SUBSTITUTION OF SWISS
REINSURANCE COMPANY LTD.
WITH SWISS RE LIFE & HEALTH
AMERICA INC. AND ADDITION OF
ADVANTA LIFE INSURANCE
COMPANY**

18 v.

19 CHASE HOME FINANCE, LLC, et
20 al.,

Defendants.

22 Pursuant to the Federal Rules of Civil Procedure, plaintiff CHRISTA P.C.
23 SULLIVAN (“Plaintiff”), defendant SWISS REINSURANCE COMPANY LTD. (“Swiss
24 Re Zurich”), SWISS RE LIFE & HEALTH AMERICA INC. (“SRLHA”), defendants
25 ADVANTA MORTGAGE CORP. and ADVANTA NATIONAL BANK (together,
26 “Advanta Entities”), ADVANTA LIFE INSURANCE COMPANY (“Advanta Life”) and
27 defendants CHASE HOME FINANCE, LLC successor by merger to CHASE
28 MANHATTAN MORTGAGE CORPORATION and CHASE BANK USA f/k/a Chase

1 Manhattan Bank USA, N.A. (together "Chase Entities"), by and through their respective
2 attorneys of record, stipulate as follows:

3 1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff will dismiss Swiss Re
4 Zurich from this case without prejudice by dismissing the action against this defendant
5 only.

6 2. Pursuant to Fed. R. Civ. P. 15(a)(1)(A), Plaintiff will file an amended
7 complaint naming SRLHA and Advanta Life as defendants and making other amendments
8 as Plaintiff deems appropriate.

9 3. Plaintiff and SRLHA agree that SRLHA does not by this stipulation
10 concede that SRLHA is a proper party to these proceedings, nor that it has any
11 responsibility to Plaintiff.

12 4. Plaintiff, Advanta Entities, and Advanta Life agree that Advanta Entities
13 and Advanta Life do not by this stipulation concede that Advanta Entities and Advanta
14 Life are proper parties to these proceedings, nor that they have any responsibility to
15 Plaintiff.

16 5. SRLHA, Advanta Entities, and Advanta Life reserve all of their rights
17 under law to object to the amended complaint to be filed by Plaintiff through any and all
18 procedural mechanisms available under the Federal Rules of Civil Procedure.

19 6. Plaintiff shall file the amended complaint on or before September 18,
20 2009. Plaintiff agrees and stipulates that SRLHA, Advanta Life and/or any other
21 defendant named shall not be required to respond to the amended complaint with a
22 pleading or with any motion before October 19, 2009.

23 7. Advanta Entities and Chase Entities hereby give their written permission
24 for Plaintiff to dismiss Swiss Re Zurich, as described in paragraph 1, above.

25 ///

26 ///

27 ///

28 ///

1 8. Defendants withdraw the pending motions to dismiss and/or strike,
2 currently set to be heard on October 9, 2009. Defendants reserve all rights to re-file or
3 renew their motions in response to Plaintiff's amended complaint.

4 Dated: September 16, 2009

5 CARROLL, BURDICK & MCDONOUGH LLP MANNION and LOWE

6 /s/ Alan P. Jacobus

7 Alan P. Jacobus
8 Attorneys for Swiss Reinsurance Company Ltd.
and Swiss Re Life & Health America Inc.

/s/ Wesley M. Lowe

Wesley M. Lowe
Attorneys for Christa P.C. Sullivan

9 ADORNO YOSS ALVARADO & SMITH

DUANE MORRIS LLP

10 /s/ S. Christopher Yoo

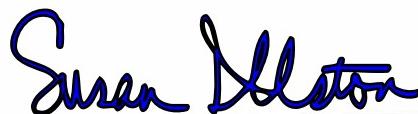
11 S. Christopher Yoo
12 Attorneys for Chase Home Finance, LLC; Chase
13 Manhattan Mortgage Corporation; and Chase
Bank USA, N.A. (f/k/a Chase Manhattan Bank
USA, N.A.)

/s/ Terrance J. Evans

Terrance J. Evans
Attorneys for Advanta Mortgage Corp.
USA, Advanta National Bank, and
Advanta Life Insurance Company

15 PURSUANT TO STIPULATION, IT SO ORDERED.

16 Dated: September ___, 2009

17 
18 Susan Illston

19 Susan Illston
20 United States District Court Judge